
By: Chairman, Commerce and Government Matters Committee (Departmental - Transportation)

Introduced and read first time: February 14, 1996
Assigned to: Commerce and Government Matters

Committee Report: Favorable
House action: Adopted
Read second time: March 18, 1996

CHAPTER ____

1 AN ACT concerning

2 **Procurement Law - Transportation Professional Services Selection Board - Architectural**
3 **or Engineering Services Contracts**

4 FOR the purpose of requiring the Department of Transportation to establish a selection
5 process for a certain purpose; requiring transportation units to comply with certain
6 limits established by the Transportation Professional Services Selection Board in
7 determining the rate of compensation for persons providing architectural or
8 engineering services; requiring the Board to consider certain factors in establishing
9 limits on costs reimbursement; and generally relating to the Transportation
10 Professional Services Selection Board.

11 BY repealing and reenacting, with amendments,
12 Article - State Finance and Procurement
13 Section 13-311
14 Annotated Code of Maryland
15 (1995 Replacement Volume and 1995 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - State Finance and Procurement**

19 13-311.

20 (a) The Department of Transportation shall establish a selection process based on
21 a competitive procedure to:

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1 (1) PROMOTE ENGINEERING AND DESIGN QUALITY AND ENSURE
2 MAXIMUM COMPETITION BY PROFESSIONAL COMPANIES OF ALL SIZES PROVIDING
3 ARCHITECTURAL OR ENGINEERING SERVICES;

4 [(1)] (2) evaluate technical proposals and the qualifications of the persons
5 submitting proposals; and

6 [(2)] (3) determine an order of priority based on those evaluations.

7 (b) (1) From the results of the selection process under subsection (a) of this
8 section, the transportation unit shall:

9 (i) begin negotiations with the most qualified person; and

10 (ii) try to negotiate a procurement contract with that person at a rate
11 of compensation that is fair, competitive, and reasonable.

12 (2) In determining the rate of compensation under this subsection, the
13 transportation unit shall:

14 (i) consider the scope and complexity of the architectural or
15 engineering services required; [and]

16 (ii) conduct a detailed analysis of the cost of those services; AND

17 (III) COMPLY WITH LIMITS ON COSTS REIMBURSEMENT,
18 INCLUDING, BUT NOT LIMITED TO OVERHEAD LIMITS, ESTABLISHED BY THE
19 TRANSPORTATION SELECTION BOARD. IN SETTING SUCH LIMITS, THE BOARD SHALL
20 CONSIDER THE GOAL OF THE SELECTION PROCESS SET FORTH IN PARAGRAPH (1) OF
21 THIS SUBSECTION, AS WELL AS THE REASONABLE COST OF ARCHITECTURAL OR
22 ENGINEERING SERVICES.

23 (c) (1) If the transportation unit is unable to negotiate a satisfactory
24 procurement contract at a rate of compensation that is fair, competitive, and reasonable,
25 it shall:

26 (i) terminate negotiations with the most qualified person; and

27 (ii) negotiate in the same manner with the second and, if necessary,
28 the third most qualified person chosen under subsection (a) of this section.

29 (2) If the transportation unit is unable to negotiate a procurement contract
30 with any person chosen under subsection (a) of this section, the transportation unit shall:

31 (i) choose additional persons in order of their competence and
32 qualification; and

33 (ii) continue negotiations in accordance with the procedures under
34 this section until it reaches an agreement.

35 (d) The Transportation Selection Board may delegate the negotiation process to
36 the Department of Transportation, but any negotiating team shall include a
37 representative of the transportation unit requesting the procurement.

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1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.